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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,280	03/19/2004	Ronald E. Wagner	062012-1031	7423

24504 7590 10/04/2004

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EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,280	<b>Applicant(s)</b> WAGNER, RONALD E.	
	<b>Examiner</b> Benjamin C. Lee	<b>Art Unit</b> 2632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Application Status***

1. This application is a continuation of application 10/324,422.

### ***Claim Status***

2. Claim 1 is pending.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the specification, such as on pages 38-39 describing Fig. 9, provided disclosure about searching tags in a network, but does not include the acronym "BFS", its full term, and its definition, which acronym was later used in the claim.

Appropriate correction is required.

4. Claim 1 is objected to because of the following informalities:

1) Line 3, the full term for the acronym "BFS" should be included, such as by adding -- (Breadth-First Search)-- after the acronym, since "BFS" has been known for use as an acronym for other phrases.

2) Furthermore, the acronym "BFS" or its full term does not appear, and has not been defined, in the specification.

--Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) The term “the environmental conditions” of line 6 lacks antecedent basis.

b) It is unclear how the environmental conditions are monitored just by polling the network of RFID tags. The means (e.g. sensors and their relationship to the tags and the polling) that enable monitoring of the environmental conditions has not been established.

c) It is unclear how the existence and location of the tags and corresponding assets are related to the method, since there is no mention of their utilization or role in any step of the method. For example, are the “existence and location” “conveyed” by the “existence in the network” actually being “conveyed” to any of the monitoring aspects, or simply as inherent characteristics not particularly utilized by the method?

#### ***Prior Art Rejection***

7. Currently no prior art, either alone or in combination, has been found that reads on the claimed invention. However, since objection and rejection of the claim are currently outstanding, and any amendment to overcome them may change the scope of the claimed invention, consideration/indication of allowance will be reserved for subsequent Office action(s) after such amendment has been submitted and considered.

#### ***Regarding IDS***

8. PTO-1449 filed 7/19/04 has been received. However, non-US-patent literatures submitted in parent 10/324,422 were unavailable for access for review by the Examiner at this time. The IDS will be fully considered and acknowledged by the next Office action.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Wood, Jr., US pat. #6,061,344

--Known use of BFS in an RFID tag communication system (col. 9, lines 8-13 & 56-58).

2) Issacman et al., US pat. #6,127,928

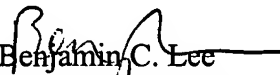
--A similar object monitoring method using RFID tags.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.

The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Benjamin C. Lee  
Primary Examiner  
Art Unit 2632

B.L.